

Before the
Administrative Hearing Commission
State of Missouri



DIRECTOR OF DEPARTMENT
OF PUBLIC SAFETY,

Petitioner,

vs.

AARON G. REID,

Respondent.

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No. 12-2223 PO

DECISION

We find cause exists to discipline Aaron G. Reid's peace officer license because he committed a criminal offense.

Procedure

On December 17, 2012, the Director of the Department of Public Safety filed a complaint seeking to discipline Mr. Reid's peace officer license. Our notice of complaint and notice of hearing and a copy of the complaint were served on Mr. Reid on July 28, 2013. He did not answer or otherwise respond to the complaint.

The Director filed a Motion for Summary Decision on August 29, 2013. We notified Mr. Reid by letter dated August 30, 2013 that he should file any response to the motion no later than September 13, 2013. He filed nothing.

By failing to answer or otherwise respond to the complaint, Mr. Reid has admitted the allegations it contains. 1 CSR 15-3.380(7)(C)1.¹

By failing to respond to the Motion for Summary Decision, Mr. Reid has failed to raise a genuine issue as to the facts the Director established in his motion. 1 CSR 15-3.446(6)(B).

Accordingly, the findings of fact are based on the allegations contained in the complaint and the admissible documents submitted in connection with the Director's Motion for Summary Decision: a custodian of records affidavit, and authenticated documents from a criminal case against Mr. Reid, including an indictment and judgment.

Findings of Fact

1. Aaron G. Reid is licensed as a peace officer by the Missouri Department of Public Safety. His license has been current and active at all times relevant to this case.

2. On August 2, 2011, Mr. Reid pled guilty in the United States District Court, Eastern District of Missouri, to one count of violating 18 U.S.C. § 4, Misprision of a Felony, on or about October 20, 2009. Specifically, he pled guilty to the charge that:

On or about October 20, 2009, in the Eastern District of Missouri and elsewhere,

AARON REID,

the defendant herein, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit, Malicious Use of a Destructive Device, did conceal the same by stating to St. Louis County Police detectives that he was not with Milton Ohlsen III on October 15, 2008 when Milton Ohlsen III brought a package to the Plaza in Clayton when defendant was, in fact, with Milton Ohlsen III when he brought a package to the Plaza in Clayton which defendant later determined had contained a destructive device, and did not as soon as possible make known the

¹ All references to "CSR" are to the Missouri Code of State Regulations, as current with amendments included in the Missouri Register through the most recent update.

same to some judge or other person in civil or military authority under the United States.

In violation of Title 18, United States Code, Section 4.^[2]

3. Judgment was entered on October 2, 2012 and Mr. Reid was sentenced.

Conclusions of Law

We have jurisdiction of this matter. § 590.080.2, RSMo.³

The Director is responsible for issuing and disciplining the licenses of Missouri peace officers. § 590.020, .030, and .080, RSMo. When the Director files a complaint with this Commission asking us to determine there is cause for discipline, the Director bears the burden of proving by a preponderance of the evidence that the licensee committed an act for which the law gives the Director the authority to discipline the license. *See Kerwin v. Mo. Dental Bd.*, 375 S.W.3d 219, 229-230 (Mo. App. W.D. 2012) (dental licensing board demonstrated “cause” to discipline by showing preponderance of evidence). A preponderance of the evidence is evidence showing, as a whole, that “the fact to be proved [is] more probable than not.” *Id.* at 230 (quoting *State Bd. of Nursing v. Berry*, 32 S.W.3d 638, 642 (Mo. App. W.D. 2000)).

Section 590.080.1(2) provides that the Director shall have cause to discipline a licensee who “[h]as committed any criminal offense, whether or not a criminal charge has been filed[.]”

Here, the undisputed facts show that Mr. Reid was charged with and pled guilty to one count of misprision of a felony. He committed a criminal offense. His conduct falls squarely under § 590.080.1(2). Therefore, the Director has cause to discipline his license.

² Director’s Motion for Summary Decision, Exhibit B, p. 1.

³ All references to “RSMo.” are to the Revised Statutes of Missouri (Supp. 2012).

Summary

The Director's Motion for Summary Decision is granted.

The hearing presently scheduled for December 4, 2013 is canceled.

SO ORDERED on September 20, 2013.

\s\ Alana M. Barragán-Scott
ALANA M. BARRAGÁN-SCOTT
Commissioner